



7-50-1 Project/Environmental Timeline

September 9, 2016

1.1 Originator

Technical Services Section - Regional Environmental Coordinators

1.2 Introduction

In order to meet the requirements of the National Environmental Policy Act (NEPA), Wisconsin Environmental Policy Act (WEPA), National Historic Preservation Act (NHPA), and other state and federal policies, WisDOT must adhere to processes that ensure environmental issues are given full consideration through design and construction in order to avoid, minimize, and when needed, mitigate impacts to the extent possible. These processes include coordination with state and federal agencies, Native American Tribes, local municipalities, civic groups, and residents that may be affected by a proposed project.

1.3 Process

The following guidance identifies during which phase in design the subsequent environmental tasks should be addressed.

Project Management Plan Phase

- Regional Environmental Coordinators (REC) identifies potential project impacts
 - Archaeology/Historic sites
 - Section 4(f) of NHPA
 - Section 6(f)
 - Potential wetland/waterway impacts
 - Hazmat/asbestos/lead paint
 - Agricultural land/drainage districts
 - Potential controversy
- Environmental Document Type
 - The type of environmental document to be used should be determined and documented in the Scoping Notes. However, consult with the REC to ensure the proper document will be utilized as the project progresses.
 - If the environmental document is to be consulted out, the project manager should talk with the project REC to ensure the correct document type is in the consultant contract.
- Purpose and Need
 - The Purpose and Need statement should be developed and documented in the Risk-Based Environmental Scoping Template (RBEST).

Preliminary Impact Review Phase

- The project manager should inform REC when commencing design
- Send Tribal Notification Letters to appropriate tribes for the project county ([SWIG 7-50-15](#))
- Send WDNR Initial Review Request to appropriate WDNR liaison for the project county ([SWIG 7-50-10](#))
- Determine level of public involvement ([FDM 6-5-10](#))
- Schedule Public Involvement and/or Local Official Meetings ([FDM 6-10](#))
 - When deemed necessary by the project manager and REC, at least one Public Involvement Meeting (PIM) must be completed prior to the environmental document (discuss with REC when planning)
 - If a PIM is deemed unnecessary, a project notification letter should be sent to appropriate landowners, businesses, local government, and civic groups to inform them of the proposed project and to seek their input
- Work with REC to determine whether or not Hazardous Materials investigation is required ([SWIG 7-50-20](#))
- Section 106
 - REC checks PMP and the [Section 106 Screening List](#)
 - If not on screening list, and no update is found in PMP, REC works with project manager/project leader to make screening request to WisDOT Cultural Resources Team (CRT) ([SWIG 7-50-15](#))
 - Do this *as soon as possible* in order to get screening/survey(s) going
 - If unsure about the inclusion of an element in the final design, include it in the Area of Potential Effect (APE) so it does not have to be re-screened/surveyed later

- If bridge work is part of the proposed project:
 - Request an asbestos inspection with the WisDOT Bureau of Technical Services Waste Management Specialist.
 - Determine whether paint removal is needed. If so, it is assumed to have lead and is handled as hazardous waste (see [SWIG 7-50-20](#))
- Receive WDNR Initial Review, consider issues with design, and coordinate with REC and WDNR on any questions or issues that arise
 - If Initial Review mentions possible wetland impacts, begin assessing those in design and set up wetland determination/delineation (see [SWIG 7-50-25](#))
 - Wetland Impacts must be assessed before completing environmental document
 - Review species, both state and federally listed, that may be present in project area. Begin assessing options to limit or eliminate species impacts, or move forward with WDNR to discuss mitigation options
- Begin coordination with other state/federal agencies, as appropriate
 - Bureau of Aeronautics/Federal Aviation Administration for certain types of projects near airports (see [FDM 5-10-25](#))
 - Department of Agriculture, Trade, and Consumer Protection (DATCP) for projects that may impact agricultural lands, or for projects that may affect surface water flows in Drainage Districts (see [SWIG 7-50-30](#))
 - U.S. Fish and Wildlife Service for evaluation of habitat and threatened/endangered species on the project corridor
- Review the environmental impacts stated in the Scoping Notes during the Project Management Plan Phase. Look to see if what is in the notes is still a good representation of the environmental concerns at this point in the project. Consideration should be given to the level of magnitude of the impact and what the impact will require from a schedule delivery standpoint.

Design Study Phase

- Hold Public Involvement Meeting(s) (PIM)
 - When deemed necessary by the project manager and REC, a PIM can be held before or after the Preliminary Impact Review Phase (or both), but want at least one that accurately describes the proposed project prior to environmental document
- Complete Section 106 (if not on screening list for Archaeology and History) ([SWIG 7-50-15](#))
- Finalize Environmental Document
 - CEC/PCE reviewed and signed by REC and WisDOT project manager
 - ER always reviewed by:
 - WisDOT project manager, Supervisor, and REC (REC doesn't sign)
 - FHWA Engineer when project has federal involvement
 - WisDOT BTS, ONLY on projects with Section 4(f)/6(f) issues or no federal involvement (*coordinate early if 4(f)/6(f) impacts possible*)
 - EA/EIS reviewed and approved by WisDOT project manager, REC (review only, not signed), WisDOT Supervisor, WisDOT BTS, and FHWA Engineer

PS&E Phase

- If there are wetland impacts with the project, apply for:
 - Section 404 Permit to U.S. Army Corps of Engineers ([SWIG 7-50-40](#))
 - WDNR Final Concurrence/Section 401 Water Quality Certification (WQC)
- If no wetland impacts, request WDNR Final Concurrence/WQC (needed for all projects)
- If required under the commitments laid out by WisDOT Cultural Resources, request authorization to work within the boundaries of a burial site within one year of construction

Field Survey/Construction Work Calendar

Certain types of field investigations during design can only be completed at certain times of year, which should be a consideration for the design schedule. Examples include archaeology surveys, wetland delineations, and habitat assessments.

Similarly, there are sometimes restrictions on construction dates to protect species and habitat. Often these will be noted in WDNR review letters, or made clear in coordination with a state/federal agency. These should be written in the environmental commitments of the environmental document, and expressed to construction staff.

The [Environmental Field Survey/Construction Work Calendar](#) is a graphic depicting typical calendar dates for types of design field studies and construction activities that are governed by restrictions based on season.

1.4 References

[FDM 6-5-10](#) Public Involvement Plan

[Section 106 Screening List](#)[FDM 6-10](#) Public Involvement Meetings[FDM 5-10-25](#) Bureau of Aeronautics[Environmental Field Survey/Construction Work Calendar](#)[TSS - Environmental Unit](#)Bureau of Technical Services Waste Management Specialist - Shar TeBeest, Sharlene.TeBeest@dot.wi.govRegional Environmental Coordinator (LAX) - Anna Jahns, annah.jahns@dot.wi.govRegional Environmental Coordinator (MAD) - Jennifer Grimes, jennifer.grimes@dot.wi.govRegional Environmental Coordinator (MAD) - Brian Taylor, brianf.taylor@dot.wi.govRegional Environmental Coordinator (LAX) - Steve Vetsch, stephan.vetsch@dot.wi.gov

Kyle Bartowitz, Joel Brown, Jennifer Grimes, Erin Rieser, Brian Taylor, &
Steve Vetsch

9/9/2016

Author

Date

7-50-5 Environmental Document Type Identification

June 15, 2017

5.1 Originator

Technical Services Section - Regional Environmental Coordinators

5.2 Introduction

The National Environmental Policy Act (NEPA) and Wisconsin Environmental Policy Act (WEPA), along with numerous other state and federal laws and policies, require that WisDOT study and obtain public and agency comments on the potential effects of a project through the NEPA/WEPA process. Environmental analyses include:

- Describing existing conditions and deficiencies
- Justifying the need for a project to address deficiencies
- Describing anticipated changes to existing conditions due to a project
- Discussing beneficial and adverse impacts of a proposed project
- Estimating the magnitude of the impacts
- Evaluating measures to minimize harm and/or enhance benefits
- Considering alternatives for the proposed action
- Soliciting input from and reflect the concerns of the affected public

These analyses under NEPA and/or WEPA require documentation to demonstrate that due consideration is given to the full range of potential environmental impacts of a project.

5.3 Process**Project Management Plan Phase**

The type of environmental document required for a project is determined during the scoping process and is initially based upon the improvement concept. Prior to the Scoping Meeting, the Region Environmental Coordinator (REC) will review the Concept Definition Report (CDR) for the project and access various available databases to identify the appropriate type of environmental document. In addition, the REC's comments are provided in the Scoping Notes, which will include potential risks or situations that could potentially change document type.

Project managers should be sure to contact the REC prior to agreement on a consultant contract that includes work on the environmental document.

Preliminary Impact Review/Design Study Phases

While the environmental document is initially identified during scoping, it may need to be reconsidered during the design process as impacts are further refined, or due to project scope modifications. PDS should continue to coordinate with the project REC throughout the design process. If PDS determines a scope change is necessary, consult the REC immediately.

Types of Environmental Documents: Categorical Exclusion Documents

Environmental document type for projects that utilize federal funds is determined based on the [FHWA - WisDOT](#)

[2015 Categorical Exclusion Agreement](#), which clarifies how to apply FHWA's categorical exclusions listed in 23 CFR 771.117 in Wisconsin. Three environmental document types are primarily used within State Highway Rehabilitation (SHR) and the Resurfacing, Restoration and Rehabilitation (3R) programs, and all are categorical exclusions under the [FHWA - WisDOT 2015 Categorical Exclusion Agreement](#). The three environmental document types include the Categorical Exclusion Checklist (CEC), Programmatic Categorical Exclusion (PCE), and Environmental Report (ER).

Environmental document type for projects that will be 100% state funded is determined based on [Wisconsin Administrative Code Trans 400.07, Action Designation and Environmental Documentation](#) and [400.08, Categorization of Department Actions](#). Two environmental document types, the PCE or ER, are primarily used for the SHR and the 3R programs.

The remainder of this section will focus on the three types of environmental documents typically utilized for federal projects. If a project will be 100% state funded, PDS should discuss environmental document type with the REC.

The [WisDOT Environmental Forms and Tools webpage](#) contains links to download the most recent versions of the CEC, PCE, Basic Sheets (used for the ER, as well as Environmental Assessments [EAs]), and Factor Sheets.

Categorical Exclusion Checklist (CEC)

There are 30 different actions listed in 23 CFR 771.117(c) that qualify to be documented with the CEC. However, the majority of projects within the SHR/3R programs qualify under the five actions described below (excerpted from the [FHWA - WisDOT 2015 Categorical Exclusion Agreement](#)), provided there are no significant impacts, unusual circumstances, or controversy (See [FHWA - WisDOT 2015 Categorical Exclusion Agreement](#), Sections IV and V, Page 3).

- (22) Projects that take place entirely within the existing operational right-of-way. Existing operational right-of-way refers to right-of-way that has been disturbed for an existing transportation facility or is maintained for a transportation purpose.
 - (23) Federally-funded projects:
 - (i) That receive less than \$5,000,000[^] of Federal funds; or
 - (ii) With a total estimated cost of not more than \$30,000,000[^] and Federal funds comprising less than 15 percent of the total estimated project cost.
 - [^] Per FHWA guidance, these figures are to increase with inflation
 - (26)* Modernization of a highway by resurfacing, restoration, rehabilitation, reconstruction, adding shoulders, or adding auxiliary lanes (including parking, weaving, turning, and climbing lanes).
 - (27)* Highway safety or traffic operations improvement projects, including the installation of ramp metering control devices and lighting.
 - (28)* Bridge rehabilitation, reconstruction, or replacement, or the construction of grade separation to replace existing at-grade railroad crossings.
- *Actions described in (c)(26), (c)(27), and (c)(28) have numerous additional scope restrictions that must be met in order to be documented as CECs (See [FHWA - WisDOT 2015 Categorical Exclusion Agreement](#) Appendices, "23 CFR 771.117(e) – Conditions for (c)(26-28)"). If a project of those action types does not meet those restrictions, it should be evaluated to determine if it can be documented as a PCE under (d)(13).

Programmatic Categorical Exclusion (PCE)

There are 13 actions listed in 23 CFR 771.117(d) that may be documented with the PCE. However, the majority of projects within the SHR/3R programs qualify under (d)(13) below (excerpted from [FHWA - WisDOT 2015 Categorical Exclusion Agreement](#)), provided there are no significant impacts, unusual circumstances, or controversy (See [FHWA - WisDOT 2015 Categorical Exclusion Agreement](#), Sections IV and V, Page 3).

- (13) Actions described in paragraphs (c)(26), (c)(27), and (c)(28) of this section that do not meet the constraints in paragraph (e) of this section.

Before using the PCE, the WisDOT design team should consult the [FHWA - WisDOT 2015 Categorical Exclusion Agreement](#) under Section VII (pages 6-7), to be sure that there are no conditions that disqualify the project from being documented under the PCE. If one of those conditions exist, the design team will either have to use ER documentation or consider preparation of an Environmental Assessment (EA) or Environmental Impact Statement (EIS).

Environmental Report (ER)

Identified on [WisDOT Environmental Forms and Tools webpage](#) as Basic Sheets.

The ER may be prepared for projects that meet the requirements listed in 23 CFR 771.117(d) and the requirements listed in Section IV and V, but are excluded from the PCE by the criteria in Section VII of the

[FHWA - WisDOT 2015 Categorical Exclusion Agreement](#). An ER may also be prepared for projects that do not meet the requirements listed in 23 CFR 771.117, but meet the requirements in Section IV and V of the [FHWA - WisDOT 2015 Categorical Exclusion Agreement](#).

Some typical examples of conditions that would disqualify a project from the PCE include (see the full list in Section VII of the [FHWA - WisDOT 2015 Categorical Exclusion Agreement](#)):

- Finding of “May affect, likely to adversely affect” Federally threatened or endangered species under the Endangered Species Act
- Determination of adverse effect under Section 106 of the National Historic Preservation Act
- Section 4(f) impacts that are not *De minimis* or Programmatic (except for programmatic evaluation for the use of historic bridges), i.e. an Individual or Full Section 4(f) Evaluation
- Acquisitions that require relocation
- Most acquisitions of land protected under Section 6(f) of the Land and Water Conservation Act (LAWCON) or similar laws
- Type I project that requires noise abatement measures
- U.S. Army Corps of Engineers Section 404 permits other than a General Permit (GP)

ER documents use all the Basic Sheets, and some of the Factor Sheets depending on the resources present in the project area. The REC may require CECs and PCEs to include some Basic Sheets or Factor Sheets to fully document consideration of project impacts.

Basic Sheets/Factor Sheets

Basic Sheets (used for ER's and EA's) are divided into nine categories:

- Basic Sheet 1 – Project Summary
- Basic Sheet 2 – Table of Contents, abbreviations/acronyms, document description
- Basic Sheet 3 – Purpose and Need
- Basic Sheet 4 – Traffic Summary Matrix
 - This could be used in lower level documents if required by the REC.
- Basic Sheet 5 – Agency and Tribal Coordination
 - This could be used in lower level documents if required by the REC.
- Basic Sheet 6 – Alternatives Comparison Matrix
 - This could be used in lower level documents if required by the REC.
- Basic Sheet 7 – EIS Significance Criteria
- Basic Sheet 8 – Environmental Commitments
 - This is found within CEC and PCE documents as well
- Basic Sheet 9 – Environmental Factors Matrix
 - Helps determine the need for Factor Sheets

Factor Sheets

If it is discovered that the project will have an impact on a resource, a more in-depth analysis of the resource and project impacts must be documented. Factor Sheets, which can be accessed by visiting the [WisDOT Environmental Forms and Tools Webpage](#), can aid in this process, and be attached to an environmental document to demonstrate due consideration.

Attachments/Appendices

Particularly with the CEC/PCE documents, it may be unclear what should be attached to an environmental document versus what should stay in the project file. PDS should consult the project REC to ensure that project impacts are fully considered and documented under NEPA/WEPA.

Environmental Assessment (EA)/Environmental Impact Statement (EIS)

Projects that do not fit the definition of Categorical Exclusions, as defined in the [FHWA - WisDOT 2015 Categorical Exclusion Agreement](#), must be documented as an Environmental Assessment (EA) or Environmental Impact Statement (EIS). These documents are rarely used in the 3R/SHR Programs and will not be expanded upon in the SWIG.

5.4 References

[FHWA - WisDOT 2015 Categorical Exclusion Agreement](#)

[Wisconsin Administrative Code Trans 400.07, Action Designation and Environmental Documentation](#)

[Wisconsin Administrative Code Trans 400.08, Categorization of Department Actions](#)

[WisDOT Environmental Forms and Tools Webpage](#) (includes CEC and PCE forms and Basic and Factor Sheets)

Regional Environmental Coordinator (LAX) - Anna Jahns, annah.jahns@dot.wi.gov

Regional Environmental Coordinator (MAD) - Jennifer Grimes, jennifer.grimes@dot.wi.gov

Regional Environmental Coordinator (MAD) - Brian Taylor, brianf.taylor@dot.wi.gov

Regional Environmental Coordinator (LAX) - Steve Vetsch, stephan.vetsch@dot.wi.gov

Kyle Bartowitz, Joel Brown, Jennifer Grimes, Brian Taylor, & Steve Vetsch

6/15/2017

Author

Date

7-50-10 Department of Natural Resources (DNR) Coordination

September 9, 2016

10.1 Originator

Technical Services Section - Regional Environmental Coordinators

10.2 Introduction

WisDOT and the Wisconsin Department of Natural Resources (WDNR) have a cooperative agreement laying out the guidelines for the liaison procedures and coordination of transportation projects. The purpose of this section is to lay out the process, SW Region specific, which “most” of our projects follow as they move through the Facilities Development Process as described in [FDM 3-1](#).

10.3 Process

10.3.1 Request for Project Review (Initial Comments)

10.3.1.1 When to Coordinate

The complexity of the project will depend on the timing of the submittal of the DNR/DOT Project Review Request Form ([DTNR0002](#)). If the project is relatively simple (e.g. mill and overlay) and includes few issues requiring WDNR review, the form can be submitted as soon as typical cross sections are completed. If you have a complex reconstruction project that includes re-aligning the vertical and horizontal alignments, for instance, you might want to wait until you have survey data and some preliminary design completed. The timing of the submittal should be discussed with your Regional Environmental Coordinator (REC).

10.3.1.2 Requesting Initial Comments

The document to use for getting both the initial comments and final concurrence for a project is [DTNR0002](#).

The [DTNR0002](#) should be completed and include the following attachments.

- All projects (at a minimum):
 - Location map(s)
 - Typical Cross Sections
- More complex projects might need additional supporting documents:
 - Plan sheets showing slope intercepts and possible impacts to resources

10.3.1.3 Who to Coordinate with for Initial Comments

Once the project leader fills out the [DTNR0002](#) form, the REC and project manager should review the document for quality assurance. If the REC and project manager feel the document has the correct information to give the WDNR liaison, the REC (or the project manager, cc'ing the REC) will send out the document to the proper WDNR liaison via email for initial comments (see [DNR EA Liaison Assignment Map](#) or the references provided in [SWIG 2-1-10](#) for WDNR liaisons by county).

10.3.2 Request for Project Review (Final Concurrence)

10.3.2.1 When to Request Final Concurrence.

Final concurrence should be requested approximately two months before the Pre-PS&E review meeting.

10.3.2.2 How to Request Final Concurrence

The WDNR 401 Water Quality Certification/Final Concurrence, form [DTNR0002](#), should not only summarize the project, but also document closure to any comments/issues brought up by WDNR in their Initial Comments letter and throughout the design of the project.

Prior to requesting 401 Water Quality Certification/Final Concurrence, schedule a meeting with the REC to review WDNRs Initial Comments letter as well as discuss any other WDNR concerns on the project.

401 WDNR Quality Certification/Final Concurrence attachments include:

- Project Location Map
- Plans and special provisions
- Using the WDNR initial coordination letter, reiterate WDNRs comments/concerns stating how WisDOT has addressed them or will commit to for the project. This assist and expedites WDNRs review and submittal of Final Concurrence.
- Include any other relevant correspondence to clarify project issues, water quality, stormwater, wetlands, etc.

10.3.2.3 Who to Coordinate with for Final Concurrence

Once the project leader fills out the [DTNR0002](#) form, the REC and project manager should review the document for quality assurance. If the REC and project manager feel the document has the correct information to give WDNR liaison, the REC (or the project manager, cc'ing the REC) will send out the document to the proper WDNR liaison via email or hard copy for final concurrence (see [DNR EA Liaison Assignment Map](#) or the references provided in [SWIG 2-1-10](#) for WDNR liaisons by county).

10.4 References

DNR/DOT Project Review Request Form ([DTNR0002](#))

[DNR EA Liaison Assignment Map](#)

[FDM 20-31-1](#) State Agency Agreements

[FDM 5-10-1](#) Department of Natural Resources (DNR)

Regional Environmental Coordinator (LAX) - Anna Jahns, annah.jahns@dot.wi.gov

Regional Environmental Coordinator (MAD) - Jennifer Grimes, jennifer.grimes@dot.wi.gov

Regional Environmental Coordinator (MAD) - Brian Taylor, brianf.taylor@dot.wi.gov

Regional Environmental Coordinator (LAX) - Steve Vetsch, stephan.vetsch@dot.wi.gov

Kyle Bartowitz, Joel Brown, Jennifer Grimes, Brian Taylor, & Steve Vetsch

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Author

Date

7-50-15 Archaeology and History Screening Process (Section 106 Process) and Tribal Notification

November 25, 2015

15.1 Originator

Technical Services Section - Regional Environmental Coordinators

15.2 Introduction

The WisDOT project manager or designee is responsible for coordinating compliance with Section 106 of the National Historic Preservation Act of 1966 (NHPA) and integrating the requirements of Section 106 into the environmental document. The project manager communicates the need for the project to participants in the Section 106 Process and seeks comments from consulting parties. The project manager also initiates tribal consultation and is responsible for adhering to the [WisDOT Tribal Partnership Agreement](#) where applicable.

The project manager is responsible for documenting how comments received were taken into account in the development of the project.

The WisDOT Bureau of Technical Services (BTS) Cultural Resource Team (CRT) monitors project compliance with Section 106 for archaeology, historic buildings/structures, and other types of historic properties. The CRT advises the Regional Environmental Coordinators (REC) and project managers on the project manager's Section 106 responsibilities.

WisDOT REC and BTS Cultural Resource Team assists the project manager to:

- consult with Indian Tribes, tribal experts, and interested parties
- locate professional Cultural Resource consultants

The REC and members of the Cultural Resource Team work directly with the State Historic Preservation Office (SHPO) and Tribal Historic Preservation Office (THPO) (or Designated Tribal Representative) in compliance with the Section 106 Process and may attend as needed consultation meetings with Indian Tribes, THPOs, or other interested groups. (See [FDM 26-1-1](#) for further guidance.)

15.3 Process

The BTS Cultural Resource Team starts the Screening process once a Concept Definition Report (CDR) or a

Highway Safety Improvement Program (HSIP) application is received from the region.

15.3.1 Section 106 Screening List

The screening list request for Archeology and History may be initiated by SPO - Planning when the CDR is created or it may need to be initiated by the project manager and REC at the start of project development. Once the project is through the scoping process and transferred from SPO - Planning to PDS (FIIPS life cycle 11), the project manager should check the screening list. The process below shows how to determine whether the screening list request was made by Planning, and if not, how to make the request.

- Check the "Environmental" screen in PMP found under the "Scope" tab. Screening list information is entered in PMP by the Cultural Resource Team (CRT).
- If the "Section 106 screening list" field is blank as shown in [Figure 15.1](#),
 - CRT has not received the CDR or a request to conduct a Section 106 screening of the project.
 - Project manager should coordinate with REC to submit, via email, a Section 106 Screening List request.
 - Screening List request should contain project description, project location map indicating the project limits, and some type of plan view (if available). In most cases, the CDR will be sufficient. Although in the infancy stage of the project, giving as much detail of the project as possible, is helpful.

Historical/Archeological	
Section 106 screening list	
Section 106 screening date	
Archeological investigation **	
Historical investigation **	

Figure 15.1 - Environmental Screen - Historical/Archeological Section (Scenario 1)

- If "Archeology and History" option is displayed, there will be a Section 106 screening date indicated in the field below as shown in [Figure 15.2](#). This signifies that the Section 106 process is complete. To obtain that documentation:
 - Follow this link: [Section 106 Screening List](#)
 - Use the "Find" button (or type Ctrl+f) and enter the Project ID.
 - Highlight the Project ID (it may be on multiple lines if there are structures involved) and save that page to be incorporated in the Environmental Document. Ensure you print only the page you need for the document. If you hit print without specifying the page, it will print all projects on the screening list.


Historical/Archeological	
Section 106 screening list	Archeology and history ▼
Section 106 screening date (mm/dd/yyyy)	01/17/2013 
<input type="checkbox"/> Archeological investigation **	
<input type="checkbox"/> Historical investigation **	

Figure 15.2 - Environmental Screen - Historical/Archeological Section (Scenario 2)

- If "History Only" option is displayed as shown in [Figure 15.3](#), this signifies the Section 106 process is complete for History Only.
 - To obtain that documentation, follow this link: [Section 106 Screening List](#)
 - Use the "Find" button (or type Ctrl+f) and enter the Project ID.
 - Highlight the Project ID (it may be on multiple lines if there are structures involved) and save that page to be incorporated in the Environmental Document.
 - The project did not qualify for the Screening List for Archeology


Historical/Archeological	
Section 106 screening list	History only
Section 106 screening date (mm/dd/yyyy)	<input type="text"/> 
<input checked="" type="checkbox"/> Archeological investigation **	With Commitments. See Project Notes
<input type="checkbox"/> Historical investigation **	<input type="text"/>

Figure 15.3 - Environmental Screen - Historical/Archeological Section (Scenario 3)

- If "Archeology Only" option is displayed as shown in [Figure 15.4](#), this signifies Section 106 process is complete for Archeology Only.
 - To obtain that documentation, follow this link: [Section 106 Screening List](#)
 - Use the "Find" button (or type Ctrl+f) and enter the Project ID.
 - Highlight the Project ID (it may be on multiple lines if there are structures involved) and save that page to be incorporated in the Environmental Document.
 - The project did not qualify for the Screening List for History


Historical/Archeological	
Section 106 screening list	History only
Section 106 screening date (mm/dd/yyyy)	<input type="text"/> 
<input checked="" type="checkbox"/> Archeological investigation **	With Commitments. See Project Notes
<input type="checkbox"/> Historical investigation **	<input type="text"/>

Figure 15.4 - Environmental Screen - Historical/Archeological Section (Scenario 4)

- If "Not on list" option is displayed as shown in [Figure 15.5](#),
 - Project has been screened and does NOT meet the Screening List criteria.
 - Proceed to the section below titled Section 106 Process – Projects that Require Surveys


Historical/Archeological	
Section 106 screening list	Not on list
Section 106 screening date (mm/dd/yyyy)	<input type="text"/> 
<input checked="" type="checkbox"/> Archeological investigation **	<input type="text"/>
<input checked="" type="checkbox"/> Historical investigation **	<input type="text"/>

Figure 15.5 - Environmental Screen - Historical/Archeological Section (Scenario 5)

15.3.2 Send Tribal Coordination Letters

Communication with state tribal governments shall be included in the Section 106 process. Updated template letters and a listing of the Tribes that require coordination can be found on the [WisDOT Cultural Resources](#) website. The Tribal Mailing List contains updated addresses for the tribes along with a point of contact.

15.3.3 Send Local Historical Society Coordination Letters

Communication with Local Historical Societies shall be included in the Section 106 process. If there is a Section 106 investigation included in the process, these letters will be sent by the historian and the REC, project manager, and project leader will be cc'd. The directory can be found at the [Local Historical Societies](#) website. Template letters can be found on the [WisDOT Cultural Resources](#) website. Check with the REC to determine whether the Section 106 investigation has been completed.

15.3.4 Section 106 Process - Projects that Require Surveys

Archeology/History Surveys - Consultant Design Project

- Have prime work with their sub-consultant to complete the required surveys. Use In-House design process as a guideline.

Archeology/History Surveys - In-House Design Project

- Fill out the [Section 106 Form \(dt1635\)](#)
 - Only need to fill out Section I. "Project Information" and Section II. "Project Description" areas. Also include a narrative project description.
 - Be as descriptive of the preferred alternative as possible. See below for examples:
 - Land to be acquired: TLE, PLE or Fee Simple
 - Utilities: storm sewer, sanitary, water
 - Street lighting - Type and location
 - Tree removal/grubbing activities
 - Typical Roadway Section - proposed
 - Roadway width - increase, decrease
 - Terrace width - narrowing/widening/complete removal
 - Sidewalk - new, widening
 - ADA Curb ramps – updates, additions, potential for associated real estate acquisition
 - Installation or replacement of beam guard, EATS, etc.
 - Installation of additional signage or replacement with larger signs
 - Include a project location map as well as an Area of Potential Effect (APE) map.
 - Area of Potential Effect - the geographic area or areas within which an undertaking may directly or indirectly cause alternations in the character or use of historic properties, if any such properties exist. The area of potential effect is influenced by the scale and nature of an undertaking and may be different for different kinds of effects caused by the undertaking". Project actions to determine the APE, include but not limited to: utilities, haul roads, staging of equipment, storm water management, etc. This will also include utilities and local government activities.
 - A statement should be made whom needs to be contacted and coordinated with pertaining to the archeology or historical surveys, if coordination has not been conducted with potentially affected property owners, local/county historical societies, etc. If coordination has been conducted, include that information. This coordination will need to be completed prior to field work being initiated.
- Submit packet to REC (electronic preferred) for review and REC will submit to CRT (cc the PM)
- CRT selects consultant using their master contract to conduct surveys
 - Surveys are conducted and results are submitted to the PM or REC.
 - Should receive four (4) Archaeology Survey Field Report (ASFR) reports and three (3) Architecture/History Survey Form (A/HSF) reports.
 - Archaeology Survey Field Report (ASFR)
 - Will contain recommendations for additional surveys (Phase II, etc), no additional surveys needed and/or recommend commitments to protect the identified resource during construction.
 - If supplemental survey work is required, that work will need to be conducted prior to Section 106 submittal to CRT.
 - Architecture/History Architecture/History Survey Form (A/HSF)
 - Will contain recommendations for Determination of Eligibility (DOE) for any property that required surveys.
 - If supplemental survey work is required, that work will need to be conducted prior to Section 106 submittal to CRT.

Once surveys have been completed, proceed to completing the **Section 106 Packet** (see below).

15.3.5 Section 106 Packet

Three copies of the packet are required for submittal (1-CRT, 1-SHPO and 1-Region). At a minimum, the packet should contain:

- Completed [Section 106 Form \(dt1635\)](#) signed by PM.
 - Project description should be as detailed, accurate, and easy to understand as possible. A reminder that people who work at SHPO are not engineers.
- Appendix
 - Project Location Map with State Locator

- Project Overview
- Plan Detail
 - Be as visual as possible with the plan details here. Coordinate with the REC as to what is needed to depict the impacts to any identified resources. Those reviewing Section 106 packets are not engineers. Be as visual as possible.
 - Include marked up photos or orthos that depict:
 - Property boundary
 - Historic boundary
 - Edge of new pavement
 - Edge of new sidewalk
 - Old vs. new terrace
 - Area of real estate purchase (Fee Simple, PLE, TLE)
 - Other design considerations (decorative effects, lighting, and bicycle accommodations are just a few examples)
- Typical Section
 - Can include these if it helps describe the impacts. Those reviewing Section 106 packets are not engineers. They are more interested in the physical and visual impacts the project could have on an identified resource.
 - Photos, both aerial and photos taken of the site showing changes near historic boundaries or property boundaries are very effective means of easy communication of project impacts
- Tribal Notification Letter and list of recipients
- Property Owner Notification Letter/s
- Local Historical Society Notification Letter - if applicable
- Public Involvement Meeting (PIM) Notice
 - DO NOT include sign in sheets or property owner addresses or names.
- Archeology Survey Report (CRT gets two of these) - if applicable
- Architectural History Survey Report (if applicable)
- Determination of No Adverse Effect (DNAE) - if applicable
- Memorandum of Agreement (MOA) - if applicable

Submit packet to REC (electronic preferred) for review and REC will submit the required hard copies to CRT (cc the PM) for both in-house and consultant design projects.

15.4 References

[WisDOT Tribal Partnership Agreement](#)

[FDM 26-1-1](#)

[Section 106 Screening List](#)

[WisDOT Cultural Resources](#)

[Local Historical Societies](#)

[Section 106 Form \(dt1635\)](#)

Regional Environmental Coordinator (LAX) - Anna Jahns, annah.jahns@dot.wi.gov

Regional Environmental Coordinator (MAD) - Jennifer Grimes, jennifer.grimes@dot.wi.gov

Regional Environmental Coordinator (MAD) - Brian Taylor, brianf.taylor@dot.wi.gov

Regional Environmental Coordinator (LAX) - Steve Vetsch, stephan.vetsch@dot.wi.gov

Kyle Bartowitz, Joel Brown, Jennifer Grimes, Brian Taylor, & Steve Vetsch
Author

11/25/2015

Date

7-50-20 Hazardous Material (Hazmat) Investigation Request Process

June 15, 2017

20.1 Originator

Technical Services Section - Regional Environmental Coordinators

20.2 Introduction

It is the policy of the department that all transportation improvement projects under its jurisdiction shall be

evaluated to determine if they warrant a hazardous materials investigation. The goal is to discover all contamination as early as possible in the Facilities Development Process to permit the timely consideration of options for avoidance or remediation. Early discovery also allows responsible parties time to remediate contamination prior to construction. It may be in the best interests of the State to avoid all involvement with contaminated parcels. When avoidance is not appropriate, early discovery will allow for efficient and environmentally sound remediation of the contamination.

20.3 Process

Scoping

The determination of whether or not hazardous materials ('Hazmat' or 'contamination') exist or will have an effect within the project limits begins during the scoping process. Prior to the Scoping Meeting, the Region Environmental Coordinator (REC) will review the Concept Definition Report for the project and various databases to determine if hazmat investigations need to take place or if the project is exempt. Projects or sites, which do not require new right of way and which have no significant roadway or utility excavation, generally do not present much risk of involvement with contaminated sites. However, the REC will make that determination.

Hazmat Exempt/Inadvertent Discovery

Coordinate with REC to determine if needed and to obtain Special Provision language for Inadvertent Discovery of Hazardous Materials.

Hazmat Investigations (See [FDM 21-35-1.3](#))

Generally, projects or sites which do not require new right of way and which have no significant roadway or utility excavation, do not present much risk of involvement with contaminated sites. If the REC determines hazmat investigations need to take place, PDS should fill out the highlighted portions of the [Hazmat Investigation Request](#) form and submit to the REC. The investigations are divided into five phases. Each of the first four phases end with a report recommending whether there is a need for further action.

Phase 1

- Literary, database, and visual inspection of the project area. The report will make recommendations for Phase 2 or Phase 2.5 investigations.

Phase 2 - Subsurface Investigation

- This phase is rarely used, as we often skip straight to Phase 2.5. One boring is advanced at a property to confirm or deny the presence of hazmat in soil, water, or both. The report will make recommendations for a Phase 2.5 investigation.

Phase 2.5 - Subsurface Investigation to determine degree and extent of contamination within the ROW

- Note: Phase 2.5 must go through Central Office. This phase consists of multiple borings into the existing and/or proposed ROW to determine the impact of contamination on the project.
- This report will contain Special Provisions that provide stationing where the contamination will be encountered as well as hazmat consultant, REC and Central Office contact points.

Phase 3 - Defining extent of contamination and remediation planning

- This phase is needed when WisDOT is purchasing property that contains hazmat and remedial actions are needed to address the contamination.
- The degree and extent of contamination are defined within the property to be purchased by WisDOT and the report will include remedial action recommendations.

Phase 4 - Remediation

- This report documents remedial action activity. If WisDOT assumes responsibility for the property and this phase takes place, the cost will come out of either the design or construction budget until construction is completed.

Requesting Hazmat Investigations – All Phases

PDS should fill out the highlighted areas on the [Hazmat Investigation Request](#) form, attach the form to an email along with a location map and plan sheets, and send to the REC.

The following information needs to be included on the plan sheets, if available:

- Indicate areas of anticipated Fee Simple, Permanent Limited Easement (PLE), and Temporary Limited Easement (TLE) acquisitions
 - If it is known that an entire parcel will be acquired in Fee, identify that parcel.
- Depth of all utilities (WisDOT and Municipality).
 - If borings are advanced, they are advanced to the bottom of all WisDOT and municipal utilities.

The REC will determine the appropriate phased investigation approach, complete the form, and submit to Central Office, cc'ing the project leader.

Reports

Following each phased investigation, the Environmental Consultant will provide a report to the REC, Central Office, and the WDNR Hazmat liaison. The REC will provide a copy of the report and discuss with the project team the next course of action as well as provide a copy of the report to the municipality.

Reports to Property Owners

If borings are advanced on any parcels, advanced in the ROW in front of a known hazmat property or contamination is discovered immediately adjacent to a parcel, a copy of the report for that parcel is submitted to the property owner and they are informed that a copy of the report is being submitted to the WDNR per the [Wisconsin Spills Law](#).

Full Acquisition (Fee Simple) of Hazmat Parcel

Determine as early as possible if an entire parcel will be acquired in Fee Simple. These situations require a high level of coordination between the property owner, WDNR, Central Office, and WisDOT Real Estate.

Utility/Municipality

The cost of hazmat investigations (above what WisDOT provides) and the removal of contamination beneath WisDOT utility (storm sewer) is the cost of the municipality, unless the project has a connecting highway. If the project has a connecting highway, the municipality is responsible for all hazmat encountered including the WisDOT utility within those limits. Also, if the project is on a connecting highway and a contaminated parcel is purchased in Fee Simple, the municipality will become the responsible party for that parcel unless documented otherwise.

Hazmat Specials

If it is determined that hazmat may be in close proximity or encountered during construction, the report from the Environmental Consultant will contain Special Provisions that provide stationing where the hazmat will be encountered as well as contact points for the Environmental Consultant, REC, Central Office, and WDNR.

The Environmental Consultant will submit the following:

- The Material Handling Plan/Special Provisions to WDNR Hazmat Liaison for review and approval.
- A dewatering plan to the municipality for review and approval as needed.

Notification to Environmental Consultant

Normally, the consultant that conducted the Phase 2.5 - 4 activities will be the Environmental Consultant selected to conduct oversight during construction. Once a construction contractor is selected, inform the REC so a construction oversight contract can be executed from Central Office.

Bridges

Asbestos (See [FDM 21-35-45](#))

Any work that is performed on a bridge will require an [Asbestos Investigation Request](#), regardless of the age of the bridge.*

*Exceptions: The following projects are exempt from inspection requirements when the described work is the only work being done on the structure:

- Bridge repainting
- Attachment of guard rail or thrie beam when the attachment does not require disturbance of bridge railings, joints, caulk, or other potential Asbestos Containing Material (ACM).
- Structures that have been previously inspected and have had no abatement, repair, or maintenance work done subsequent to inspection. (e.g. No patch repairs, no new caulk, no railing replacements, no joint sealer, no deck or parapet replacement).
- Asbestos investigations are typically exempt for any culvert structures, except on any c-structure where additional material has been added to the original structure, or if any caulk or gasket is present, typically found between the wingwalls and the main structure.

To request an inspection, PDS should fill out the [Asbestos Worksheet](#) and email it, along with a bridge location map, and photos of the structure (if available) to the Bureau of Technical Services Waste Management Specialist (see References at the end of this section), cc'ing the REC.

Demolition with Asbestos

If the bridge is to be demolished and asbestos has been identified, see contract Standardized Special Provision (STSP) 203-005. A [Notification for Demolition and/or Renovation \(Form 4500-113\)](#) must be submitted to WDNR by the construction contractor. This is stated in the STSPs in accordance with [WDNR Asbestos](#)

[Renovation and Demolition Notification \(ARDN\)](#) reporting procedures.

Demolition without Asbestos

If the bridge is to be demolished and no asbestos has been identified, see contract STSP 107-125. This is stated in the STSPs in accordance with [WDNR Asbestos Renovation and Demolition Notification \(ARDN\)](#) reporting procedures.

Maintenance/Reconditioning with Asbestos

If maintenance/reconditioning is to be performed on the bridge and asbestos has been identified, see contract special provisions STSP 107-120.

Maintenance/Reconditioning without Asbestos

If maintenance/reconditioning is to be performed on the bridge and no asbestos has been identified, see contract special provisions STSP 107-127.

Lead

Regardless of the age of the bridge, all paint on a bridge is assumed to contain lead. Therefore, all sand blasting waste has to be contained, whether the project simply requires tooling or a full bridge painting.

Sand Blasting Waste Exceeding 55-gallons

Sand blasting waste exceeding 55-gallons requires an Environmental Protection Agency (EPA) identification (ID). To obtain an EPA ID, PDS submits a request to the REC. When submitting the request include:

- Project ID
- Highway
- County
- Bridge Number
- PS&E date
- Attach: Bridge Location Map

See contract special provisions STSP 517-037 and STSP 517-065.

Sand Blasting Waste Less than 55-gallons

If tooling results in amounts less than 55-gallons, the waste can be contained in 5-gallons pails with lids. Before work, PDS should obtain Hazardous Waste stickers from the REC to place on the pails. The pails are then brought back to the region. Coordinate the return and storage of the pails at the Region with the REC. See contract special provisions STSP 517-037 and 517-055.

Buildings

Asbestos and Lead

All buildings that are to be demolished or sold and moved are required to be inspected for asbestos and lead prior to demolition or removal. These inspections are typically completed during the Real Estate process.

20.4 References

[Hazmat Investigation Request](#)

[Asbestos Investigation Request](#)

[Notification for Demolition and/or Renovation \(Form 4500-113\)](#)

[WDNR Asbestos Renovation and Demolition Notification \(ARDN\)](#)

[WisDOT Standardized Special Provisions](#)

Regional Environmental Coordinator (LAX) - Anna Jahns, annah.jahns@dot.wi.gov

Regional Environmental Coordinator (MAD) - Jennifer Grimes, jennifer.grimes@dot.wi.gov

Regional Environmental Coordinator (MAD) - Brian Taylor, brianf.taylor@dot.wi.gov

Regional Environmental Coordinator (LAX) - Steve Vetsch, stephan.vetsch@dot.wi.gov

Bureau of Technical Services Waste Management Specialist - Shar TeBeest, Sharlene.TeBeest@dot.wi.gov

Kyle Bartowitz, Joel Brown, Jennifer Grimes, Brian Taylor, & Steve Vetsch
Author

6/15/2017

Date

7-50-25 Wetland Determination/Delineation Process

November 25, 2015

25.1 Originator

Technical Services Section - Regional Environmental Coordinators

25.2 Introduction

Wetland and waterway impacts resulting from WisDOT projects should be avoided whenever possible. If a project will impact wetlands even after attempts to avoid and minimize have been completed, a Federal Section 404 permit is required to discharge fill into waters of the United States. Section 404 of the Clean Water Act requires permit authorization from the U.S. Army Corps of Engineers (USACE). These waters include rivers, streams, lakes, embankments, and wetlands. In addition, a Section 401 Water Quality Certification (under the Clean Water Act) must be waived, denied, or granted by the Wisconsin Department of Natural Resources (WDNR) before a Section 404 Permit is issued or denied by USACE.

Project teams should work with the Regional Environmental Coordinator (REC) starting in project scoping to identify potential impacts to wetlands and waterways. This includes wetland delineation or determination as well as early planning and coordination with WDNR and USACE, as applicable, regarding permit requirements. These actions should occur early in project development to avoid unnecessary delays.

25.3 Process

Wetland Delineation/Determination

During the project scoping and initial design phase, the design team shall discuss the potential for wetlands in the project area with the Regional Environmental Coordinator (REC). The REC will assist in deciding if a wetland delineation is needed or if a wetland determination can be completed by WisDOT and the Department of Natural Resources (WDNR). For both delineations and determinations, be mindful of the need for field studies to be conducted during the growing season (approximately late April through early October).

For in-house design projects: If a wetland delineation is deemed necessary, the REC will work with the project team to send a work order request to the Bureau of Technical Services (BTS) Ecologist and Wetland Biologist, who will set up the work through the Biological Services Master Contract. The work order should contain:

- Project ID
- Location (county, highway, limits)
- Boundary for delineation (where ground disturbance is anticipated; may be thought of as similar to area of potential effect (APE) for archeology surveys)
- Scope of work
- Preferred consultant, if identified (this may be relevant if a delineation was conducted previously, if delineation needs to be updated or if additional areas need to be delineated, and if there was a particular consultant involved with previous efforts)

For consultant design projects: If a wetland delineation is deemed necessary, the design consultant should contract with their staff or a sub-contractor to perform the work. It is helpful if the REC can review the scope of the delineation prior to the work being completed.

Wetland delineations should be performed utilizing the guidance listed below (this is an abbreviated list and is not all inclusive):

- [US Army Corps of Engineers Wetlands Delineation Manual](#)
- Two regional supplements apply to Wisconsin and the current versions (Version 2.0) were published on the dates shown below in parenthesis:
 - [Regional Supplement to the Corps of Engineers Wetland Delineation Manual: Midwest Region](#) (August 2010)
 - [Regional Supplement to the Corps of Engineers Wetland Delineation Manual: Northcentral and Northeast Region](#) (January 2012)
- [Guidance for Submittal of Delineation Reports to the St. Paul District Army Corps of Engineers and the Wisconsin Department of Natural Resources](#) (3/4/15)

Wetland Impact Tracking Form (WITF)

Found here: [Wetland Impact Tracking Form](#)

This form is to be completed by the design team and submitted to the REC for **all** projects, regardless of whether or not there are wetland impacts. The form is also a part of the PS&E documentation.

NO Wetland Impacts: If through design or through a wetland delineation/determination it is determined that there will be no impacts, fill out the top portion of the form and check “No” signifying that discharge of dredged or fill material into wetlands is not anticipated. Submit the form to your REC for tracking purposes and place a copy in the project folder.

YES, Wetland Impacts: Once the acreage and type(s) of impacts are known, fill out the WITF. You must complete all yellow highlighted sections on both tabs of the WITF (WITF_P1 and WITF_P2 at the bottom of the spreadsheet) before submitting to your REC. After the REC has confirmed impacts, debit ratios, and determined the bank site to be used on the WITF, it can be included in the Section 404 Permit Application and Section 401 Water Quality Certification Request.

The following document can be used to help when completing form. [Tips for Completing the Wetland Impact Tracking Form](#)

Wetland Impacts

If a delineation is completed, forward the report to your REC for review. The REC may submit the report to USACE for concurrence and a jurisdictional determination prior to submittal of a [Request for Corps of Engineers Wetland Delineation Review](#).

As soon as the quantity of impacts to a wetland, floodplain, stream, river, or water body by dredging or filling are finalized in design, the design team must make two submittals. One to the USACE for a Section 404/Section 10 permit and the other to the DNR for Section 401 Water Quality Certification (WQC).

Submittal of USACE Permit Applications

Section 404 of the Clean Water Act requires permit authorization from the U.S. Army Corps of Engineers (USACE) for the discharges of dredged or fill material into Waters of the United States. A 404 Permit is required regardless of whether the project area is located on public or private property, regardless of funding source, and regardless of the type of environmental action.

Section 10 of the Rivers and Harbors Act also requires permit authorization by the USACE for work in or affecting commercially navigable waters of the United States. When a Section 10 Permit is required, a Section 404 permit will also be required unless there is no discharge of fill. These are to be submitted as a joint Section 10/404 application. See [FDM 20-50-5](#) for further details and a list of navigable waters in Wisconsin.

Section 404 and Section 10 Permit applications should be reviewed by the REC before being sent to USACE, with a copy sent to the WDNR liaison for the 401 Water Quality Certification.

The submittal should begin with a cover letter:

- Address the letter to USACE contact for that county/project and cc: to the WDNR liaison for that county/project. Consult with your REC if you need contact information. The letter should contain the following:
 - If federally funded, a statement that the Federal Highway Administration (FHWA) and WisDOT are the lead agencies for the project. If fully state funded, add a statement to that effect.
 - Project Description
 - Amount of permanent impacts by wetland classification type (acres) and temporary impacts (square feet)
 - Anticipated construction timing
 - Proposed wetland mitigation bank site and amount or proposed mitigation
 - Environmental Documentation
 - Explain the type and approval date of the NEPA environmental document for the project
 - Agency Coordination – Briefly describe coordination with WDNR; U.S. Fish & Wildlife Service (USFWS); and previous coordination with USACE (if any).
 - Threatened or Endangered Resources
 - Provide dates of coordination with WDNR (NHI Portal review) and USFWS (Official Species List). If no species were identified, include this information. If any species were identified, describe any additional surveys that were performed or any effect documentation that was completed (for example, how the project addressed the Northern Long-eared Bat).
 - If any mitigation measures are included in the project environmental commitments, explain them here.
 - Section 106 (Archaeology, History and Burials)
 - Indicate that the project either qualifies for the Section 106 Screening List, pursuant to an agreement with the State Historic Preservation Office or indicate that historical and/or archeological surveys were conducted and concurred by the State Historic Preservation Office that no historical

resources will be affected. Include the date of SHPO signature on the Section 106 form.

Attach the following documentation to the cover letter:

- [Application for Section 404 Permit and 401 Water Quality Certification](#)
- Project Location Map
- Wetland Impact Details
 - Plan and Profile with cross hatched areas calling out the wetland impacts in acres
 - If temporary impacts will occur, those areas should be identified and called out (square feet)
- Completed Wetland Impact Tracking Form (AFTER it is checked and completed by the REC)
- Environmental Documentation
 - Include the final signature page of the environmental document
- Section 106
 - Include a copy of the Section 106 Screening List or Signed Section 106 from SHPO (do not need the entire Section 106 packet, just the signed form)
- Tribal Coordination
 - Include the template letter and the spreadsheet indicating the tribes that received the letter
- Wetland Delineation/Determination
 - Copy of the Wetland Delineation Report or documentation from WisDOT REC/WDNR confirming a wetland determination was completed by the two agencies
 - If a preliminary jurisdiction was completed by USACE, include that here
- Agency Coordination
 - Include any appropriate agency correspondence, including the WDNR initial comment letter, and USFWS coordination

Final Concurrence/Section 401 Water Quality Certification Request

This submittal, to be sent to the WDNR liaison for the county of your proposed project, will also serve as part of your request for Final Concurrence for the proposed project. All projects require Final Concurrence, regardless of whether there are wetland impacts. If there are no wetland impacts, work with the REC to determine what is needed for a Final Concurrence submittal.

Final Concurrence Request - No Wetland Impacts

Submittal at a minimum should include:

- Completed DNR/DOT Project Review Request Form ([DTNR0002](#))
 - On the DNR/DOT Project Review Form, under the category "Type of Review Requested," check "Final Concurrence"
 - If there are no wetland impacts, state that there are no impacts
 - Describe any waterway crossings that have been coordinated with WDNR
 - Describe any stormwater management features being implemented as a part of the project
 - Include discussions of any erosion control measures unique to the project
 - If there are any issues that require special provisions (i.e. adherence to in-stream disturbance or migratory bird protection dates) or notes in the plan, identify them and state how they are addressed in the plan
 - Project Location Map
 - Plan and Profile

Section 401 Water Quality Certification Request - Wetland Impacts

Submittal is identical to what is submitted to COE for the 404 Permit application

- Cover letter (identical to letter for USACE permit application, but addressed to WDNR liaison)
- 404/401 Application form: [Application for Section 404 and 401 Water Quality Certification](#)
- Project Location Map
- Wetland Impact Details
 - Plan and Profile with cross hatched areas calling out the wetland impacts in acres
 - If temporary impacts will occur, those areas should be identified and called out (square feet)
- Completed Wetland Impact Tracking Form (AFTER it is checked and completed by the REC)
- Environmental Documentation
 - Include the final signature page of the environmental document
- Section 106
 - Include a copy of the Section 106 Screening List or Signed Section 106 from SHPO (do not need the

entire Section 106 packet, just the signed form)

- Tribal Coordination
 - Include the template letter and the spreadsheet indicating the tribes that received the letter
- Wetland Delineation/Determination
 - Copy of the Wetland Delineation Report or documentation from WisDOT REC/WDNR confirming a wetland determination was completed by the two agencies
 - If a preliminary jurisdiction was completed by USACE, include that here
- Agency Coordination
 - Include any appropriate agency correspondence, including the WDNR initial comment letter, and USFWS coordination

When you receive the final concurrence letter from your liaison, the letter will include a statement that it also serves as the 401 Water Quality Certification.

Filing of Approved Section 404 Permits/Section 401 Water Quality Certification/Final Concurrence Letter

The Wetland Impact Tracking Form and Permit/Water Quality Certification packet is needed for end of the year WisDOT mitigation bank debiting and annual reporting to WDNR and USACE.

Once the approved 404 Permit and 401 Water Quality Certification are received, submit a packet (Hard Copy along with electronic via email or to the P: drive) to Steve Vetsch, who is tracking wetland mitigation for the SW Region. The packet will contain:

- Completed WITF
- Plan and Profile with cross hatched area calling out permanent impacts and temporary impacts
- Signed 404 permit from USACE (include entire letter and sheet(s) showing wetland impacts)
- Approved 401 WQC from WDNR (contained in the Final Concurrence letter for the project – attach entire letter)

25.4 References

[US Army Corps of Engineers Wetlands Delineation Manual](#)

[Regional Supplement to the Corps of Engineers Wetland Delineation Manual: Midwest Region](#)

[Regional Supplement to the Corps of Engineers Wetland Delineation Manual: Northcentral and Northeast Region](#)

[Guidance for Submittal of Delineation Reports to the St. Paul District Army Corps of Engineers and the Wisconsin Department of Natural Resources](#)

[Wetland Impact Tracking Form](#)

[Tips for Completing the Wetland Impact Tracking Form](#)

[Request for Corps of Engineers Wetland Delineation Review](#)

[Application for Section 404 and 401 Water Quality Certification](#)

DNR/DOT Project Review Request Form ([DTNR0002](#))

Regional Environmental Coordinator (LAX) - Anna Jahns, annah.jahns@dot.wi.gov

Regional Environmental Coordinator (MAD) - Jennifer Grimes, jennifer.grimes@dot.wi.gov

Regional Environmental Coordinator (MAD) - Brian Taylor, brianf.taylor@dot.wi.gov

Regional Environmental Coordinator (LAX) - Steve Vetsch, stephan.vetsch@dot.wi.gov

Bureau of Technical Services (BTS) Ecologist and Wetland Biologist - Alyssa Barrette, alyssa.barrette@dot.wi.gov

Kyle Bartowitz, Joel Brown, Jennifer Grimes, Brian Taylor, & Steve Vetsch
Author

11/25/2015

Date

7-50-30 Agricultural Impact Process

Updated June 27, 2018

30.1 Originator

Technical Services Section - Regional Environmental Coordinators

30.2 Introduction

This section gives a quick summary of the processes required when acquiring agricultural lands. There are two

processes that need to be completed; one with the Natural Resource Conservation Service (NRCS) and the other with the Wisconsin Department of Agriculture, Trade, and Consumer Protection (DATCP). This section will also provide the forms, evaluation guidance, and contacts to coordinate with each agency.

Please read the process information below and reference [FDM 3-15-20](#) and [FDM 5-5-5](#) prior to proceeding.

As always, talk to your Regional Environmental Coordinators (REC) for additional guidance on this topic.

30.3 Process

There are two agencies (NRCS & DATCP) that require coordination and two DATCP processes, depending on the amount of lands being acquired. They are as follows:

1. Farmland Conversion Impact Rating - NRCS
2. Agricultural Impact Notice (AIN) and Agricultural Impact Statement (AIS) - DATCP

Farmland Conversion Impact Rating - NRCS

This process is for projects that involve the conversion of farmland to nonagricultural uses. To determine the significance of the impact, scoring of the relative value of the site for preservation as farmland is done by completing Sections I, III, VI and VII of [NRCS-CPA-106](#). The FDM calls out AD-1006, but the CPA pertains to all highway projects that have a linear or corridor type configuration. The CPA-106 can replace the AD-1006.

Use the [Site Assessment Scoring for the Twelve Factors Used in FPPA](#) guidance to score Section VI. It gives more specific guidance than the back of the actual form to score the project.

Once PDS completes the form, allow the project REC to review and determine the necessary level of coordination with NRCS.

Refer to the [Natural Resources Conservation Services webpage](#) for contact information for formal consultation with NRCS.

Agricultural Impact Notice (AIN) and Agricultural Impact Statement (AIS) - DATCP

DATCP must be notified whenever WisDOT may potentially exercise its powers of eminent domain (condemnation power) in acquiring land or easements from a farm operation.

- If the project will result in impacts that are less than one acre per separate farm operation, contact DATCP via e-mail (DATCPAgImpactStatements@wisconsin.gov) with a project description, location map and summary of impacts to the farm operation/s including number of operations impacted.
- If the project will result in impacts that are greater than one acre per separate farm operation, an AIN must be prepared. The AIN form and submittal instructions can be found by clicking the following link: [Agricultural Impact Notice for Highway Projects](#).

Once completed, the AIN is reviewed by the REC and submitted to DATCP.

DATCP makes the determination whether or not to prepare an AIS and notifies the design team in writing (letter or email). An AIS is not prepared if all interests in farm operations are non-significant. DATCP has 60 days to prepare an AIS after the decision to prepare one has been made.

Note: WisDOT cannot begin right-of-way negotiations until 30 days after the AIS has been published by DATCP. Also, except where it can be demonstrated that extraordinary hardship would result due to delaying a project, the Design Study Report cannot be approved until the AIS has been published.

30.4 References

[FDM 3-15-20](#)

[FDM 5-5-5](#)

Contact information for DATCP: datcpagimpactstatements@wi.gov

[Site Assessment Scoring for the Twelve Factors Used in FPPA](#)

[Natural Resources Conservation Services webpage](#)

[DATCP - Agricultural Impact Statement \(AIS\)](#)

[DATCP - Agricultural Impact Notice for Highway Projects](#)

Regional Environmental Coordinator (LAX) - Anna Jahns, annah.jahns@dot.wi.gov

Regional Environmental Coordinator (MAD) - Jennifer Grimes, jennifer.grimes@dot.wi.gov

Regional Environmental Coordinator (MAD) - Brian Taylor, brianf.taylor@dot.wi.gov

Regional Environmental Coordinator (LAX) - Steve Vetsch, stephan.vetsch@dot.wi.gov

Kyle Bartowitz, Joel Brown, Jennifer Grimes, Brian Taylor, & Steve Vetsch
Author

6/15/2017

Date

7-50-35 Environmental Document Review and Approval Process

Updated April 24, 2019

35.1 Originator

Technical Services Section - Regional Environmental Coordinators

35.2 Introduction

Completing the process and documentation to satisfy the requirements of the National Environmental Policy Act (NEPA) or Wisconsin Environmental Policy Act (WEPA) requires close coordination between PDS (project manager, project leader, and/or design consultants), Regional Environmental Coordinator, WisDOT Bureau of Technical Services (BTS), state and federal agencies, local officials, and the general public. The environmental process includes the environmental document, but the process is not solely to create the document; the document is meant to verify that the process was followed. The process must be followed through construction (by following commitments made and written into the document), and documentation and coordination are ways to ensure that happens with each project.

35.3 Process

Project Management Plan Phase

See [SWIG 7-50-5](#) for details on environmental document selection. In this phase, the Regional Environmental Coordinator (REC) and Project Development Section (PDS) should begin coordinating to come to an understanding on the project scope, schedule, potential impacts/processes, and environmental document type. Specific resources/processes that could affect schedule are Section 106, Section 4(f), or Section 6(f) impacts, or other properties that have received special funding.

Preliminary Impact Review/Design Study Phases

See [SWIG 7-50-1](#) and [SWIG 7-50-5](#) for more information on the environmental processes during these phases of design. While the environmental document is initially identified during the Project Management Plan phase, it may need to be reconsidered during design if anything is added to the project scope, new resources are discovered, or additional impacts to known resources are identified. If PDS determines a scope change is necessary, discuss with the project REC immediately. For projects that require review or approvals from FHWA and WisDOT BTS (i.e. ER documents and all projects with Section 4(f) impacts), it is important to discuss the project with them and seek input during design rather than seek approval when documentation is complete.

Environmental Document Completion

Environmental documents must be completed before the end of the Design Study phase in order for the Design Study Report (DSR) to be completed and for the Real Estate process to begin (when real estate acquisition is required). For an environmental document, project design must be complete to the extent that environmental impacts are known (typically occurs between Preliminary Impact Review and Design Study Review). Not all environmental processes have to be completed to sign the environmental document. For example, wetland impacts should be known and included in the environmental document, but coordination with the U.S. Army Corps of Engineers (for Section 404 permits) and WDNR (for Section 401 Water Quality Certification) do not have to be completed until before PS&E. On the other hand, impacts and mitigation under Section 106, Section 4(f), Section 6(f), or other resources that have received special funding need to be fully documented and agreed upon by WisDOT and the relevant agencies or officials with jurisdiction over the property before approval of the environmental document.

If scope changes occur after the environmental document signature, and design changes or new environmental impacts result from the scope change, then the document must be reopened. If this occurs, coordinate with your REC immediately to determine required additional documentation.

Approval Process for Different Types of Environmental Documents

Below is the approval process for projects that utilize federal funds that qualify for a Categorical Exclusion environmental document, (as found in Section VIII of the 2015 Programmatic Agreement between FHWA and WisDOT Regarding the Processing of Actions Classified as Categorical Exclusions for Federal Aid Highway Projects, which clarifies how to apply FHWA's categorical exclusions listed in 23 CFR 771.117 in Wisconsin [PA]).

If a project utilizes 100% state funds, PDS should discuss the approval process with the REC.

Categorical Exclusion Checklist (CEC)/Programmatic Categorical Exclusion (PCE)

Projects processed with these documents are signed by the WisDOT REC and project manager. However, projects using these documents that include Section 4(f) *de minimis* or programmatic evaluations must have those evaluations reviewed and approved by FHWA and WisDOT BTS. It is important to discuss the project with them and seek input during design rather than seek approval when documentation is complete.

Environmental Evaluation of Facilities Development Actions (ER)

Projects processed as an ER document are reviewed by the REC, and signed by the WisDOT project manager, FHWA, and the consultant project manager if applicable. If the project will impact a Section 4(f) resource, the ER must be reviewed by WisDOT BTS as well. Regardless of Section 4(f) impacts, it is important to discuss the project with WisDOT BTS and FHWA and seek input during the design process.

Environmental Assessment (EA)/Environmental Impact Statement (EIS)

Projects that do not fit the definition of categorical exclusions, as defined in the PA, must be documented as an Environmental Assessment (EA) or an Environmental Impact Statement (EIS). These documents are rarely used in the 3R/SHR Programs and will not be expanded upon in the SWIG.

Post-document Environmental Process

When the environmental document is approved, the process moves on to preparation for construction based on the project impacts. Examples include, but are not limited to:

- Wetland impacts (See [SWIG 7-50-25](#)):
 - Section 401 Water Quality Certification from WDNR
 - Section 404 permitting from the U.S. Army Corps of Engineers
- If no wetland impacts, WDNR final concurrence is still required (See [SWIG 7-50-10](#))
- Wisconsin Statutes 157.70 authorization to work within boundaries of burial site (one year before construction) (See [SWIG 7-50-15](#))
- Discussion of environmental commitments with construction contractor in Preconstruction meeting
- Fulfillment of environmental commitments during and after construction

This requires careful, consistent coordination between PDS, the project REC, relevant state and federal agencies, and the public to follow through with a construction project that reflects the results of the environmental process.

35.4 References

[WisDOT Environmental Forms and Tools Webpage](#) (CEC and PCE forms, Basic and Factor Sheets)

Regional Environmental Coordinator (LAX) - Anna Jahns, annah.jahns@dot.wi.gov

Regional Environmental Coordinator (MAD) - Jennifer Grimes, jennifer.grimes@dot.wi.gov

Regional Environmental Coordinator (MAD) - Brian Taylor, brianf.taylor@dot.wi.gov

Regional Environmental Coordinator (LAX) - Steve Vetsch, stephan.vetsch@dot.wi.gov

Kyle Bartowitz, Joel Brown, Jennifer Grimes, Brian Taylor, & Steve Vetsch
Author

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Date

7-50-40 U.S. Army Corps of Engineers (USACE) Coordination

Updated June 27, 2018

40.1 Originator

Technical Services Section - Regional Environmental Coordinators

40.2 Introduction

The U.S. Army Corps of Engineers (USACE) permits many types of WisDOT construction work in "Waters of the United States" under the Clean Water Act and the Rivers and Harbors Act. SW Region project development (with the REC or Stormwater/Erosion Control Engineer [SWEC] as the main points of contact) coordinates with USACE Regulatory project managers for projects with potential wetland or waterway impacts. Impacts to wetlands and waterways are governed by the permit programs detailed below.

40.3 Process**Project Permitting Process**

The REC will inform PDS of potential wetland or waterway impacts during project scoping (see [SWIG 7-50-1](#))

and [SWIG 7-50-25](#)). Under the Clean Water Act, the charge is to:

- First, *avoid* impacts to wetlands and waterways wherever possible
- Then, *minimize* impacts where complete avoidance is not possible
- Finally, *compensate* for losses that are unavoidable (through use of a WisDOT mitigation bank)

When PDS or consultant designers determine that a project will cause unavoidable impacts to wetlands or waterways, then PDS or the consultant will work with the REC to apply for the applicable permit(s) from USACE, below.

Section 10 Permits ([FDM 21-30-1.4](#))

When a WisDOT project affects a commercially navigable waterway (navigable waters of the United States), WisDOT must apply for and receive a Section 10 permit from USACE. If, in the design process, it is found that a Section 10 permit may be needed, the project team should contact USACE to notify them of the project and begin coordination. If the work includes discharge of fill into the waterway, a permit under Section 404 of the Clean Water Act is required as well (see [SWIG 7-50-25](#)). In those cases where both Section 10 and Section 404 permits are required, they can be requested through a single application to USACE.

As part of Section 10 permitting, the Ordinary High Water Mark must be identified. This effort is coordinated with the WDNR Liaison for the project county (see [DNR EA Liaison Assignment Map](#) or the references provided in [SWIG 2-1-10](#) for WDNR Liaisons by county) and/or WDNR Water Management Specialist.

Section 404 Permits (see [SWIG 7-50-25](#))

When a WisDOT project discharges fill into a wetland or waterway (waters of the United States), WisDOT must apply for and receive a Section 404 permit from USACE. If the waters affected are commercially navigable (navigable waters of the United States), a Section 10 permit is required as well. In those cases where both Section 10 and Section 404 permits are required, they can be requested through a single application to USACE.

Be sure to carefully read permit letters, as they may prescribe conditions for use of the permit, such as use of a certain wetland mitigation bank or credit type different from what was proposed in the application. Permit letters always include the disclaimer that 401 Water Quality Certification from WDNR is a required provision of the Section 404/Section 10 permit. Below are the types of Section 404 Permits, and information on each. Permits typically also include an expiration date, so that must be tracked through construction. If a permit extension is required, it must be requested 3 months prior to the expiration date.

General Permit ([FDM 21-30-1.2.2/3/4](#))

General Permits cover activities that affect areas of wetlands or waterways up to 2 acres. They are meant to cover all similar activities in Wisconsin under the permit for a specified period of time, so each project requires an application for coverage under the permit. The project team will complete the application under the procedure in [SWIG 7-50-20](#), making sure to check that the general permit, when received from USACE, does not expire before the anticipated construction. These permits generally require 3-6 months for authorization.

Non-Reporting ([FDM 21-30-1.2.4 #1](#))

Certain projects may fit under the Non-Reporting General Permit. While the FDM (referenced above) states that “no application is required provided the project meets the (non-reporting) permit criteria”, the SW Region still submits an application for applicable permits in these cases. This allows USACE to make the determination of applicability of the permit. USACE typically sends a reply letter stating that the project fits into the non-reporting category. PDS should save that letter as Section 404 certification for the project and wetland mitigation reporting.

Provisional Letter of Permission [LOP] ([FDM 21-30-1.2.4 #3](#))

This Section 404 authorization covers WisDOT projects on existing roads/transportation corridors that impact 2-5 acres of wetland or waterways. These permits generally require 6-9 months for authorization.

Individual Permit [IP] ([FDM 21-30-1.2.5](#))

Projects that are not covered under the general permits/letter of permission (projects with over 5 acres of impacts) may require an individual Section 404 Permit. When dealing with large wetland/waterway impacts for a project, begin coordination with the USACE Regulatory project manager early to ensure a smooth permitting process. These permits generally require a year or more for authorization.

Note on LOPs and IPs

Both of these permit types require a Public Notice by USACE. The public is given 30 days to provide comments, which USACE then provides to the WisDOT design team. The WisDOT design team is then given 10 days to respond to the comments.

Note on Section 9 Permits ([FDM 21-30-1.3](#))

In cases where a Section 9 Permit may be required for work across a navigable waterway of the United States from the U.S. Coast Guard, coordination and potentially Section 10/404 Permits from the USACE will be required as well. Be sure to coordinate with the USACE contact for the county of the project in these cases.

Recordkeeping

After project impacts are permitted, and the Section 401 Water Quality Certification/Final Concurrence is received from WDNR, a packet is put together for annual reporting. This packet includes the final [Wetland Impact Tracking Form](#), project plan sheet(s) highlighting wetland and waterway impacts by area and type, USACE permit letter, and Section 401 Water Quality Certification/Final Concurrence. Once complete, submit to the project REC for filing with project impacts for that year (based on construction date). The packets for projects in each region office are filed and used to compile the WisDOT Wetland Mitigation Bank Report that is sent to USACE and other state and federal agencies to apprise them of wetland impacts and compensation banking for the previous year.

40.4 References

[FDM 21-30](#) Federal Permits

[DNR EA Liaison Assignment Map](#)

[Wetland Impact Tracking Form](#)

Regional Environmental Coordinator (LAX) - Anna Jahns, annah.jahns@dot.wi.gov

Regional Environmental Coordinator (MAD) - Jennifer Grimes, jennifer.grimes@dot.wi.gov

Regional Environmental Coordinator (MAD) - Brian Taylor, brianf.taylor@dot.wi.gov

Regional Environmental Coordinator (LAX) - Steve Vetsch, stephan.vetsch@dot.wi.gov

Regional Stormwater/Erosion Control Engineer (LAX) - Sam Kube, sam@dot.wi.gov

Regional Stormwater/Erosion Control Engineer (MAD) - Peter Fillipi, peter.fillipi@dot.wi.gov

Kyle Bartowitz, Joel Brown, Jennifer Grimes, Brian Taylor, & Steve Vetsch
Author

9/9/2016

Date